

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CHESAPEAKE LOUISIANA, L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:10-CV-359 (JRG)
	§	
BUFFCO PRODUCTION, INC., ET AL.,	§	
	§	
Defendants.	§	

**THE BUFKIN DEFENDANTS’ JOINDER IN FREEMAN DEFENDANTS’ AND  
FREEMAN CAPITAL’S MOTION TO ALTER OR AMEND FINAL JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 59(e), Defendants Buffco Production, Inc. (“Buffco”), Twin Resources, LLC. (“Twin Resources”), and Frank M. Bufkin, III (“Bufkin”) (collectively, the “Bufkin Defendants”) file this Joinder in the Motion to Alter or Amend Judgment (document 214) filed by Defendants Wayne E. Freeman (“Wayne”), Freeman Resources, Ltd. (“Freeman Resources”), and FRM GP, LLC (“FRM”) (collectively, the “Freeman Defendants”) and Freeman Capital, Ltd. (“Freeman Capital”) seeking to alter or amend the final judgment on or before July 6, 2012 (hereinafter “Motion/Joinder”).

Like the Freeman Defendants, the Bufkin Defendants respect that this Court has already overruled their substantive merits contentions, as well as procedural and jurisdictional objections, before entering its final judgment on June 8, 2012 (document 210) and later correcting unintended clerical errors by its orders, opinion and final judgment signed on June 28, 2012 (documents 211, 212 and 213). The limited purpose of this motion is to preserve the Bufkin Defendants’ objections to the \$633,426.80 prejudgment interest award imposed against the Bufkin Defendants in the final judgment.

To avoid unnecessary repetition, the Bufkin Defendants adopt by reference the arguments and authorities in the Freeman Defendants' motion to alter or amend in support of the position that (1) Texas substantive law governs the award of prejudgment interest and (2) no Texas Statute and no Texas Supreme Court decision authorizes the Court's Prejudgment Interest Award under an unjust enrichment theory against any of the Defendants (including the Bufkin Defendants and the Freeman Defendants).

Assuming any judgment against the Bufkin Defendants were proper (and jurisdictionally valid), the final judgment entered June 8, 2012 (document 210), as corrected by this Court's orders, opinion and final judgment signed on June 28, 2012 (documents 211, 212 and 213), should be altered or amended to delete the \$633,426.80 prejudgment interest award imposed against the Bufkin Defendants. Accordingly, while continuing respectfully to assert (and without waiving) the previously asserted merits, procedural and jurisdictional challenges, the Bufkin Defendants alternatively request that the Court alter or amend its June 8, 2012 final judgment so as to delete the \$633,426.80 prejudgment interest award it has imposed against the Bufkin Defendants.

Respectfully submitted,

/s/ John H. Boswell

With permission by Gene F. Creely, II

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John H. Boswell  
Boswell & Hallmark, PC  
State Bar No. 02685000  
908 Town & Country Boulevard, Suite 200  
Houston, Texas 77024  
(713) 650-1600 Telephone  
(832) 356-2412 Facsimile

Of counsel:

Gene F. Creely, II  
Creely Law Firm PLLC  
State Bar No. 05060550  
701 Richmond Avenue, Suite 250  
Houston, Texas 77006  
(713) 400-8300 Telephone  
(713) 400-8299 Facsimile

Gary D. Wingfield  
Wingfield & Zimmerer, LLP  
State Bar No. 00797860  
908 Town & Country Boulevard, Suite 229  
Houston, Texas 77024  
(713) 973-1515 Telephone  
(713) 973-1516 Facsimile

**Attorneys for Defendants Frank M. Bufkin, III,  
Buffco Production, Inc. and Twin Resources,  
LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been filed and served electronically in compliance with Local Rule CV-5(a) and/or was served by Facsimile and/or first class mail and/or e-mail on this 6<sup>th</sup> day of July, 2012.

/s/ John H. Boswell  
With permission by Gene F. Creely, II

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John H. Boswell

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for the Bufkin Defendants has consulted with counsel Intervenor Harleton Oil & Gas, Inc. the only party recovering prejudgment interest against the Bufkin Defendants under the Court's Final Judgment, on this 6<sup>th</sup> day of July, 2012. Counsel for Intervenor Harleton Oil & Gas, Inc. is opposed to this Joinder in Freeman Defendants' and Freeman Capital's Motion to Alter or Amend Final Judgment.

/s/ John H. Boswell  
With permission by Gene F. Creely, II

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John H. Boswell